

Beyond NEPA...A Desk Reference for Airport Actions.

Presented to: 4TH ANNUAL AWP CONFERENCE

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**Federal Aviation
Administration**



**ENVIRONMENTAL DESK REFERENCE
FOR AIRPORT ACTIONS**



**FEDERAL AVIATION ADMINISTRATION
OFFICE OF AIRPORTS
OFFICE OF AIRPORT PLANNING AND PROGRAMMING
AIRPORTS PLANNING AND ENVIRONMENTAL
DIVISION, APP-400
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**[http://www.faa.gov/airports airtraffic/airports/environmental/
environmental desk ref/media/desk_ref.pdf](http://www.faa.gov/airports_airtraffic/airports/environmental/environmental_desk_ref/media/desk_ref.pdf)**

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WHY HAVE THE REFERENCE?

- Airports require lots of **area**.
- **Physical** impacts are likely more severe than those other FAA actions cause.
- Significance thresholds.
- Desk Reference incorporates valuable info from 5050.4A and presents more than in Order 1050.1E.



WHY HAVE THE REFERENCE?

Over 20 special purpose laws, regulations, or Executive/Departmental orders apply most often to airport actions. Some of those are...

AIRFA

Clean Water/ Clean Air

ESA

Executive Orders

Marine Mammal Pro.

NAGPRA

Section 106 of NHPA

Section 47106c of 49 USC

Uniform Relocation

FAA Orders

Archeological and Hist. Preservation Act

Coastal barrier/zone

FWCA

Farmland Protection

Magnuson-Stevens

Section 6(f) of L&WCF

Section 303c(4f)

Wild and Scenic Rivers

DOT Orders



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THE “NEPA UMBRELLA” (5050.4B) AND SPECIAL PURPOSE LAWS (Desk Reference.)

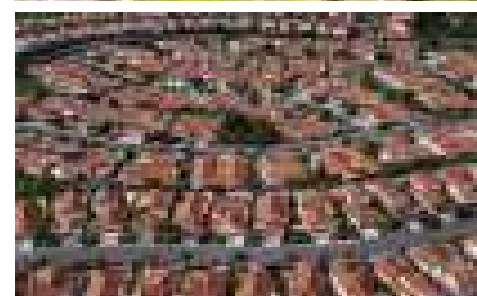
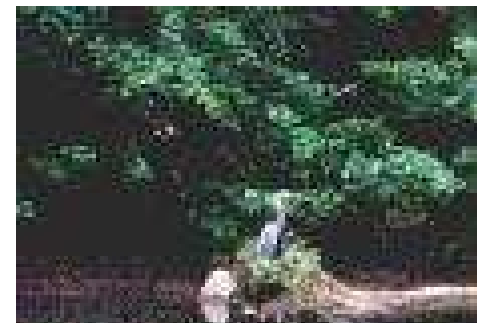


Note: these are just 4 of the >20 laws we examine for environmental analysis of airport projects!

WHY HAVE A DESK REFERENCE?

1 OF BIGGEST CHANGES.

- 5050.4B focuses on **NEPA**.
- Compendium of reqs. **outside** NEPA
- **PRIMARY PURPOSE: Help to integrate non-NEPA requirements with NEPA.**



WHY HAVE THE REFERENCE?

- Those laws, regulations, executive orders **change** more often than NEPA (NEPA regs last changed in 1978).
- **Lack** of updated information in 5050.4A was a legitimate concern.
- Instead of issuing **Supplemental Guidance Letters** (we issued >15)...
- We'll **update** the Desk Reference.
- **Internet use** = fastest, most direct, fastest, efficient way to deliver changed requirements, models, or methods.



CONTENT

- Each resource has its own chapter.
- Consistent format:

Chapter # and Resource.

1. Introduction.
2. Table of applicable laws, regs, etc.
3. Applicability to airport development projects.
4. Permits, Certifications, and Approvals.
5. Regulatory compliance procedures – environmental analysis.
6. Determining impacts.
7. Determining impact significance.
8. Environmental Impact Statement content.

CHAPTER 3. COASTAL BARRIERS

1. INTRODUCTION.

a. The Coastal Barrier Resource System (CBRS). Coastal barriers buffer the mainland against storm or hurricane-caused wave and wind damage. They protect fish, wildlife, human life, and property along coasts and shorelines. Barrier islands are geologically unstable and cannot support development. The Department of the Interior (DOI), through the U.S. Fish and Wildlife Service (USFWS) and the National Park Service (NPS), has developed and maintains maps entitled "Coastal Barrier Resource System." The maps show the Atlantic and Gulf coasts and the Great Lakes shorelines comprising the CBRS. Contact regional USFWS offices for maps dated October 24, 1983 (or later if the DOI Secretary releases them). Federal Emergency Management Agency (FEMA) regional office "Flood Insurance Maps" also show CBRS shorelines.

b. Projects along the Pacific coast. The DOI has not completed its study of coastal barriers along the Pacific coast to determine if they should be included in the CBRS. As a result, the Coastal Barrier Resources Act (CBRA) does not apply to Pacific Ocean barrier islands.

2. IMPLEMENTING REGULATIONS.

IMPLEMENTING REGULATIONS	SUMMARY DESCRIPTION	OVERSIGHT AGENCY
CBRA, PL 97-348, as amended (50 U.S.C. 3031-3043)	Bans Federal agencies from using Federal money for almost all actions occurring on any unit of the CBRS. (40 FR 48094, October 6, 1980; 40 FR 50200, April 10, 1983)	USFWS FEMA
Executive Order 12091, Coastal Reef Protection, dated 8-11-90	Orders Federal agencies to preserve and protect the health, heritage, social, and economic value of the country's coral reef ecosystems and the marine environment. (50 FR 30001, June 11, 1990)	National Oceanic and Atmospheric Administration (NOAA)

3. APPLICABILITY TO AIRPORT DEVELOPMENT PROJECTS.

a. General. Facilities built in the CBRS harm barrier island ecology and are prone to storm or hurricane damage. In passing the CBRA, Congress intended to prevent impacts to ecologically fragile coastal barriers comprising the CBRS and to stop wasteful Federal funding for actions occurring on the islands comprising the CBRS. As needed, the responsible FAA official should review CBRS maps and determine if a proposed action or a reasonable alternative would occur within the CBRS.

b. Banned actions. USFWS identified examples of Federal program expenses and financial support not allowed within the CBRS. (40 FR 48094, October 6, 1980; 57 FR 50200, Nov. 5, 1992). The CBRA bans Federal agencies from providing financial support to build or buy any airport within the CBRS.





ENFORCEMENT



- Existing laws / regulations protect resources.
- Enforcement occurs under the applicable laws, regulations or executive orders, **not Desk Ref.**
- Desk reference is a:
 - compendium of existing laws and “regs”;
 - focuses them on airports; and
 - convenient reference to help “streamline” your reviews.

THANKS FOR YOUR ATTENTION!!

